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MINUTES OF COUNCIL REGULAR MEETING – APRIL 22, 2008

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, APRIL 22, 2008, AT 6:33 P.M., IN THE CITY COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

STAFF PRESENT:

Paul Isaac, Acting City Manager
John Evans, Fire Chief
Buzz Nielsen, Police Chief
Richard Catten, City Attorney
Jim Welch, Finance Director
Kevin Astill, Parks and Recreation Director
Layne Morris, Community Preservation Director
Russell Willardson, Public Works Director
John Janson, Acting CED Director
Aaron Crim, Administration
Craig Thomas, Administration
Owen Jackson, Administration
Craig Black, Police Department
Anita Schwemmer, Police Department
Trudy Cropper, Police Department
Jake Arslanian, Public Works Department

14018 OPENING CEREMONY

The Opening Ceremony was conducted by Carolynn Burt who read a poem written by Will Allen Dromgoole entitled, “The Bridge Builder”.

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14019 **SCOUTS**

Mayor Nordfelt welcomed Scout Troop No. 3667 in attendance to complete requirements for the Citizenship in the Community merit badge.

14020 **APPROVAL OF MINUTES OF REGULAR MEETING HELD APRIL 8, 2008**

The Council read and considered the Minutes of the Regular Meeting held April 8, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held April 8, 2008, as written. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14021 **PROCLAMATION DECLARING THE FOURTH SATURDAY OF APRIL AS ARBOR DAY IN WEST VALLEY CITY**

Councilmember Rushton read a Proclamation Declaring the Fourth Saturday of April as Arbor Day in West Valley City.

14022 **PRESENTATION OF *ESSENTIAL PIECE* RECOGNITION AWARD TO LOUISE B. TEW**

Councilmember Burt presented an *Essential Piece* recognition award to Louise B. Tew. Ms. Tew had been recognized for her introduction of the “Vial of Life” Program which was implemented to encourage residents, particularly those who are homebound, living alone, or with special medical needs, to compile personal information and place it where it can be easily located by 911 responders in the event of an emergency. After a year of planning, West Valley City launched its own “Vial of Life” Program in March of 2008.

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The City Council congratulated Ms. Tew and expressed appreciation for her assistance in implementing the “Vial of Life” Program in West Valley City.

14023 **PRESENTATION OF *MAYORS STAR OF EXCELLENCE* AWARDS TO STUDENTS FROM CYPRUS, GRANGER AND HUNTER HIGH SCHOOL STUDENTS**

Councilmember Winder welcomed students and parents in attendance and explained the *Mayor’s Star of Excellence* award program. Members of the City Council then took turns presenting certificates and congratulating students from Cyprus, Granger and Hunter High Schools. Mayor Nordfelt advised the certificates would be mailed to students not attending the meeting.

14024 **TIMOTHY J. FUHRMAN, FBI SPECIAL AGENT IN CHARGE – RECOGNITION OF DETECTIVE TRUDY CROPPER, POLICE DEPARTMENT**

Mayor Nordfelt introduced FBI Agent, Timothy Fuhrman, FBI Special Agent in Charge.

Agent Fuhrman addressed the City Council and expressed appreciation for the opportunity to speak to the City Council. He acknowledged the vital partnership the FBI enjoyed with the West Valley City Police Department. He also stated an important gang investigation had just concluded and he discussed details of the broad range of criminal activity over a number of years. Agent Fuhrman recognized and presented a plaque to Detective Trudy Cropper, Police Department, for her efforts in the investigation.

The City Council expressed appreciation to Agent Fuhrman and to Detective Cropper.

14025 **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, the following individual addressed the City Council during the Comment Period:

Renee Layton, 6408 High Bluff Drive, addressed the City Council. Ms. Layton expressed appreciation to the Police Department and the Public Works Department, for efforts regarding traffic enforcement and getting drivers to slow down in her neighborhood. She thanked the City on behalf of her neighborhood watch organization and expressed appreciation for the concern and hearing of their plea for help.

Councilmember Vincent suggested posting a speed limit sign below the reader sign.

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PUBLIC HEARING, RECEIVE INPUT FROM THE PUBLIC REGARDING A PROPOSED PLEDGE OF CERTAIN OF THE CITY'S SALES AND USE TAX REVENUES

City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled April 22, 2008, at 6:30 P.M., in order for the City Council to receive input from the public regarding a proposed pledge of certain of the City's sales and use tax revenues. He discussed proposed Resolution No. 08-107 to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Paul Isaac, presented proposed Resolution No. 08-107 which would authorize and approve a pledge of its sales tax revenues; authorize the execution by the City of an Amended and Restated Pledge and Loan Agreement and any other documents required in connection therewith; authorize and approve the taxing of all other actions necessary to the consummation of the transactions contemplated by this Resolution; provide a severability clause; repeal resolutions in conflict; provide an effective date; and related matters.

Mr. Pyle advised this matter had been rescheduled from the Regular Council Meeting held April 8, 2008.

The City Manager stated the City, along with other parties, entered into an Interlocal Cooperative Agreement with UTOPIA dated as of March 5, 2002, for the purpose of (1) creating the Utah Telecommunication Open Infrastructure Agency as a separate legal entity; and (2) studying the feasibility of constructing and operating a telecommunications system that would provide high speed broadband voice, video, and data access for internal use by the members and to residential and commercial establishments, within the boundaries of the members on a wholesale basis.

Mr. Pyle reported UTOPIA had issued several series of bonds and anticipated issuing additional bonds or other forms of indebtedness in order to accomplish the acquisition, construction, and equipping of its network.

The City Manager indicated it had become necessary to utilize alternative types of financing and the City had authority to finance an interest in improvements, facilities or property to be owned by the municipality or owner jointly by two or more municipalities, and to pledge all or any part of its sales and use taxes to finance said improvements, facilities, or property.

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Mr. Pyle further reported in order to facilitate the financing of the acquisition, construction and equipping of the network thereby benefiting the City and its inhabitants, the Council had previously, and now desired to, pledge certain local sales and use tax funds received by the City, in order to assure the maintenance, in part, of the Debt Service Reserve Fund established under the Indenture, or to pay to UTOPIA the City's percentage share of the debt service obligation with respect to the bonds, all for the purpose of enhancing the marketability of the bonds issued or to be issued by UTOPIA under the Indenture.

City Manager, Wayne Pyle, advised Scott Robertson and David Robertson, of Lewis Young Robertson Burningham, the City's financial advisors; Chris Hogan and Melissa Johnson of UTOPIA, were in attendance to answer questions, if needed. Mr. Pyle stated, if desired by the Council, those individuals were prepared to make a short presentation prior to the scheduled public hearing.

Chris Hogan, UTOPIA, utilized PowerPoint and discussed information summarized as follows:

UTOPIA Current Status

- Over 7,250 (as of 3/31/2008) subscribers of 42,799 addresses passed (28% take rate among ~ 26,283 addresses "orderable")
- High network reliability with IP video, telephony and Internet since October 2004
- Extremely low churn – less than 0.5% per month
- Service available in West Valley City, Murray, Midvale, Lindon, Orem and Payson
- Construction in process and/or services pending in Tremonton, Brigham City, Perry, Layton and Centerville pending RUS

Successes

- No tax money has been used to date
- UTOPIA is delivering services as promised: advanced capabilities at significantly reduced rates and increased capabilities for city internal connections and services
- Contributing to economic development – cited as key reason for locating and/or expanding business in UTOPIA communities
- Has contributed to more affordable services within member cities
- Builders and developers want UTOPIA on their properties
- Other cities want to join
- Fiber optic technology has been validated
- Value of open networks has been proven
- Has attracted multiple services providers

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- Construction has been streamlined, costs reduced and resident impact has been minimal
- Biggest challenge is being able to deploy rapidly enough

Challenges / Lessons Learned

- Delays in financing significantly delayed construction and new inventory by more than 18 months
- RUS has been an unreliable financing partner
 - Approved by Rural Utility Service program for \$67 million construction reimbursement loan
 - UTOPIA proceeded with new construction using operations funds
 - RUS approved loan but did not approve financing
 - UTOPIA short \$14 million of anticipated reimbursements
 - Halted construction and curtailed expenses in all areas
- Overly reliant on service provider marketing

Key Objectives for Recommendations

- Preserve core principles
 - Open network with private service providers
 - Standards based, high quality infrastructure
 - Economic development
 - Low cost, high quality, innovative services
 - Committed to serve entire community
- Accelerate growth of the network
 - Increase availability in member cities
- Reduce financial risk to member cities

Board Recommendations

- Ensure operating costs are kept in line with revenues
- Adopt best practices model
 - Take active role in promoting benefits of the open, fiber network and not rely on service provider marketing
 - Build following subscriber commitment evidenced by a one-time connection fee
- Refinance to address near term cash needs and continue not calling on the pledges of member cities

Subscriber Benefits of a UTOPIA Connection

- Significantly lower monthly fees
- Increased property values
- Superior services / member only services

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- Choice of service providers
- Future proof – capacity for current and future advanced services

Benefits to UTOPIA

- Add new subscribers without increasing debt
- Pays down existing debt
- Reduces churn
- Attractive to new communities

Scott Robertson, Lewis Young Robertson Burningham, utilized PowerPoint and discussed information summarized as follows:

Refinancing Proposal

- Loan amount of approximately \$185 million
 - Replace current Bank of America bonds
 - Pay off RUS debt and eliminate them as a financing partner
 - Pay off balances on contracts approved but not paid by RUS
 - Cover cost of issuance
 - Provide capitalized interest for two years
 - Provide additional construction funds to implement rings and other limited construction
- City pledge commitment will be extended another 10 years to 33 years from the date of issue (2008)
- City pledge amounts will increase 15.9% up front and then grow up to 2% per year
 - Pledges remain within limits set by Legislature
 - Cash to cover larger debt service reserve will initially come through bond proceeds and thereafter through interest earnings, so do not expect that cities will need to contribute extra funds

Mayor Nordfelt opened the public hearing.

Michael Brodsky, Hamlet Homes, 308 E. 4500 South, Murray, Utah, addressed the City Council. Mr. Brodsky stated he had been notified of this hearing via e-mail from xmission. He discussed his experience with UTOPIA and stated he was a staunch supporter. He indicated his company, Hamlet Homes, had been the first to go live with a community in Murray and, to date, contracted with UTOPIA and providers to connect over 600 homes in Murray and South Salt Lake. He further indicated they were extremely excited and pleased to be participants and provide the services to their communities. Mr. Brodsky discussed the value of fiber optic network in communities. At the same time, he cautioned regarding a major problem in that more attention needed to be paid to end users and fix flaws in

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some of the services, especially television services. He indicated he did not know how to go about providing better service and stated response from providers was very dismal. He stated he still believed this would be the “wave of the future” and commended participation of West Valley City and Murray City in the endeavor. He emphasized the need to stay focused on how service was provided to the end users.

Councilmember Vincent inquired if Mr. Brodsky was developing any new projects in West Valley City. Mr. Brodsky answered questions regarding projects in West Valley City and services to be provided.

Mr. Ray Child, Comcast, 1542 Buttercup Drive, Sandy, Utah, addressed the City Council. Mr. Child stated he was not a resident of West Valley City. He distributed copies of background information regarding Comcast. He stated Comcast believed the Council had a tough decision and needed all the facts about Comcast before making that decision. He discussed investment in their network over the last 10 years, number of miles of strand fiber in that network and the number of homes in West Valley City that could be served. He also discussed significant investment in video offerings, on demand service, HDTV, digital/video recorders, Internet service offerings and speeds, new technology to be available in the United States and Utah that would increase Internet speeds. He stated Comcast was increasing investment in telephone offering (digital voice) and its availability in 95% of the service area. He stated their network was considered one of the most advanced in the country. Comcast operates in a highly competitive markets and competition was coming from a variety of sources. He gave examples and stated competition was good and welcomed by Comcast; but they were concerned when the competition was by a municipal offering not subject to the same regulations as businesses. He further stated in spite of that, Comcast continued to succeed and grow. He indicated they offered short term promotional pricing in order to compete with competitors, but had never lowered their rates. He indicated there had been conversation in the past that Comcast would be interested in offering services over UTOPIA or iProvo networks, but they had made a major financial investment in their own network to provide the very best service for customers so they had no interest in joining another network. He stated Comcast was on par or better than some other providers depending on the service or product offering. He further stated the private sector was offering extraordinary services in West Valley City and in Utah. Mr. Child answered questions from members of the City Council and the City Manager.

Eugene Sorensen, 3851 Congress Drive, addressed the City Council. Mr. Sorensen asked questions and requested clarification regarding build-out in West Valley City, and percentage of homes that received the service. He asked why the

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City should support UTOPIA if neighborhoods could not have the service. He inquired regarding a business plan and stated he would like to know each Council member's opinion and thought he would hear that later in the meeting. He asked what municipal services the City would sacrifice if and/or when UTOPIA failed. He inquired if the plan was still to install fiber to the home. City Manager, Wayne Pyle, answered Mr. Sorensen's questions as they were asked.

Gary Younger, Qwest, 3459 South 1100 East, Salt Lake City, addressed the City Council. Mr. Younger stated one of the major reasons UTOPIA had given in an early sales pitch was that private industry would not be able to provide speeds. He stated he had statistics regarding increased speed and broadband ability of Qwest and services provided to their customers. He discussed investment in upgrading their network and providing faster broadband speeds. He also discussed the UTOPIA refinancing plan and asked if it was prudent for the City to lock future generations into this type of obligation. He discussed recent editorials appearing in various newspapers. He discussed UTOPIA's losses, take rate averages, hookup fees, business plan and other matters. Mr. Younger compared fees of Qwest to those of UTOPIA. He stated if UTOPIA was struggling in a competitive market, why citizens should be subjected to increased taxes and risk for 33 years. He also stated Qwest respectfully requested the City Council vote against the refinancing plan. Mr. Younger answered questions from members of the City Council and the City Manager.

Mike Jerman, 1578 West 1700 South, Utah Taxpayers Association, addressed the City Council. Mr. Jerman discussed broad membership of their association. He reviewed the history and track record of UTOPIA and various issues as related to taxpayers, including the timeline, feasibility study and promises not kept. He stated the intent of UTOPIA had been sincere, but commitments had not been kept regarding take rates, average revenue per user, coverage, costs, risks, affordability and hookup fees, speeds, exposure of taxpayers to risk, tax exempt issues, and fiscal impacts. Mr. Jerman stated the Utah Taxpayers Association recommended UTOPIA members, including West Valley City, consider privatizing, as Provo City had done regarding the iProvo system. Mr. Jerman answered questions from members of the City Council and the City Manager.

Michael Walker, 5857 Alpine Crest Circle, addressed the City Council. Mr. Walker stated he lived in Kearns and worked at a business located in West Valley City and they were one of the users of the UTOPIA network. He discussed statistics regarding the U.S. home Internet usage and 82% of all Utahns had access whether at home or work, which was the highest for any state in the union. He stated he was the system administrator for his company and encouraged everyone to use the Internet for the information that was available. Mr. Walker

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discussed a positive experience with UTOPIA, including services and cost. He stated competition was good for business and Utah had a demand for broadband customers. He further stated it made sense to allow additional competition to enter the market and UTOPIA allowed more companies. Mr. Walker answered questions from members of the City Council.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

Mayor Nordfelt recessed the meeting at 8:58 P.M. and reconvened the meeting at 9:08 P.M.

Upon request of the City Council, Laura Lewis, Lewis Young Robertson Burningham, the City's financial advisor, addressed the City Council. Ms. Lewis stated she believed in the core principles of UTOPIA. She further stated we lived in an international financial world and this was the way to obtain the speeds needed to compete and do business in a worldwide economy, in which sadly the United States had fallen behind. Ms. Lewis advised this proposal had been the toughest financing she had worked on in the last 20 years and she recognized the very difficult decision facing the City Council. She reviewed details of the refinancing structure. She advised the bonds were labeled as telecommunication revenue bonds and it was anticipated they would pay the debt. She also stated the UTOPIA board was considering hiring a new executive director and the board had taken a lot of action in scaling down expenses and was operating under a very "lean and mean" budget at this time. She indicated she believed in the leadership of UTOPIA and as a user she had not experienced some of the problems discussed by others and understood the frustrations but believed problems were solvable. She indicated she had subscribed to other providers in the past but they could not provide and maintain the high speeds as UTOPIA had been able to provide. Ms. Lewis stated she worked from home and downloaded and uploaded large files and needed the faster service speed. She further stated the world was getting more demanding of that type of service to be competitive. She answered questions from members of the City Council regarding the refinancing proposal, issues to consider in making the decision, and financial risks.

Upon discussion, members of the City Council commented, as follows:

Councilmember Winder stated this would be the toughest decision during his time of service on the City Council. He indicated he had been convinced both ways. He stated based on talking to constituents and others and reviewing the business plan, he would vote against the proposal. He discussed specific reasons for his decision including concerns regarding the projected take rates in light of high

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hookup fees, underestimating the ability of incumbent telecoms and their technology, the uncertainty about retail service providers that would use UTOPIA and providing true choices and better options to customers.

Councilmember Coleman expressed his disappointment that West Valley City citizens, other than Mr. Sorensen, had not come to voice their opinions regarding this issue. He stated he had received input from citizens via the telephone and/or e-mail asking to give UTOPIA a chance to work. He indicated it would be a huge mistake to vote against the refinancing, because the vote would have a significant and overwhelming impact on other member cities. He stated the open network was critical to deploying market forces and he resented the implication that government competing with the private sector was not good when the City was actually facilitating competition with the private sector. He stated as a City we have been willing to take a calculated risk and an educated leap of faith to enhance quality of life in the community.

Councilmember Brooks thanked everyone who spoke and provided input during the public hearing. He stated this was a tough decision and the toughest was convincing a family member this was a viable project. He indicated also had to do the same with citizens. He stated no pledge monies had needed to be used yet and UTOPIA had hired a marketing firm to increase sales, etc. He stated he had been waiting for UTOPIA in his neighborhood rather than signing on with another company. Councilmember Brooks expressed appreciation to Laura Lewis for her integrity and advice. He stated he would vote in favor of the proposal.

Councilmember Burt stated she was originally in favor of UTOPIA, but was against the business plan as it was unrealistic for West Valley City. She also stated her no vote would send a message to UTOPIA that they had not treated West Valley City fairly. She indicated West Valley City had the highest risk and pledge, but services were not available unless 40% of a neighborhood willing to sign on for services. She indicated many citizens would not be able to pay the high hook up fees and it would not be something the average person would consider, let alone 40% of a neighborhood. She expressed the need to send a message that the City was not happy with the business plan. She expressed the desire to see UTOPIA continue for one year to see if they can come back with a more realistic plan. She indicated West Valley City would never be built-out, as they would not be able to get the 40% take rate. Councilmember Burt stated the Council should look out for its residents and she supported UTOPIA even with the service problems at her home.

Councilmember Vincent expressed concern regarding West Valley City having been treated poorly during the process. He indicated the City had the greatest risk

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of any member city and yet the management of UTOPIA was totally unaware of new subdivisions, businesses and corporate centers where fiber could have been laid. He stated those problems were of great concern to him. He indicated West Valley City had been asked to bear the burden in order for other cities to move forward. He advised he had wavered back and forth many times, even this night. Councilmember Vincent stated if the Council voted no it would guarantee failure and that was something he did not want to see happen.

Councilmember Rushton stated no speed was fast enough and he desired to have UTOPIA at his house because he had battles with other providers, including Comcast and Qwest. He also stated rather than a competition, it was a technology or business and marketing issue. He indicated he had debated the matter with staff as well as colleagues, but it had come down to a financial issue. Councilmember Rushton discussed reasons he was against the proposal. He indicated West Valley City citizens should come first, so he was not looking out for residents of other cities. He stated new development should have fiber optics installed, but West Valley City had not been a high enough priority. He discussed management issues of UTOPIA and financing issues including the scope and length of the project. He urged the City Council to vote their conscience regarding this issue.

Mayor Nordfelt expressed feelings of literal sickness as he had been struggling with this issue. He stated in making his original decision he might have voted no if he knew then what was known now. He requested everyone sitting on the fence or considering voting against the proposal to reconsider and have the courage to make decisions that would make life better in 30 years. He advised the Council should think what the implications would be 40 years from now when their grandchildren were sitting in the Council seats. He shared an anecdotal story to illustrate the benefits of refinancing debt. Mayor Nordfelt stated he had talked to many people including homebuilders and without exception, they stated if UTOPIA were available, they would put it in their homes. He stated Lake Park businesses, Highbury and West Ridge all wanted UTOPIA, especially the younger generation desired that kind of service. He further stated West Valley City's risk was no greater than other member cities and financial obligation was based on population. He indicated the City's risk was commensurate with its size and the same for the other member cities. He further discussed an e-mail received regarding this issue suggesting the Council treat this as if it were their own business and their own money, but that was difficult because it was taxpayer dollars. Mayor Nordfelt stated he did not think there was a choice other than to give UTOPIA an opportunity to succeed and requested the Council consider the consequences of a no vote.

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Councilmember Coleman stated he had not felt more strongly about another issue facing the Council. He indicated there was no choice if a good business decision was to be made. He requested Council members vote to support the refinancing proposal.

Mayor Nordfelt commented regarding the sale of UTOPIA and stated if the City was offered what we have in it, he would be all for it; however, it would be a “fire sale” if sold today.

Councilmember Winder stated the proposal was a tough one and it could go either way. He indicated grandchildren could say why did they do it, rather than we are glad they did. He stated the Council should plan for contingencies and he questioned what would be ahead if approved.

Laura Lewis, Lewis Young Robertson Burningham, the City’s financial advisor, again addressed the City Council and discussed consequences of a negative vote by the Council. Ms. Lewis clarified regarding some of the comments expressed by the City Council and details of the debt-restructuring proposal. She stated this would be the only solution available and she had facilitated many creative financings, but this had been the most difficult. Ms. Lewis answered additional questions from members of the City Council.

City Manager, Wayne Pyle, stated he had discussed this issue individually with members of the City Council. Mr. Pyle clarified issues regarding the history of UTOPIA. He stated he did not believe West Valley City had been treated worse or badly in comparison to other member cities. He stated decisions had been made by the UTOPIA board regarding service areas and some of those decisions had not been the best choice, such as where UTOPIA services were to be made available in West Valley City. Mr. Pyle stated he continued to hear West Valley City was the least built city. That was not the case as Layton City did not have one business or home connected at the present time and they were the third largest commitment. He indicated some of the small rural cities had the backbone laid but would not be able to connect under the current structure. He explained if the City Council voted not to move forward, it was his belief that the system would not succeed. He also stated he did not think the City was taking a risk, but making a decision to insure the project succeeded. The City Manager recommended the City move forward in conjunction with other member cities in order for UTOPIA to succeed.

Councilmember Vincent stated after listening to the discussion, he saw a “middle ground plan” which would be to approve the proposal. He indicated refinancing would minimize the risk somewhat.

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ACTION: RESOLUTION NO. 08-107, AUTHORIZING AND APPROVING A PLEDGE OF ITS SALES TAX REVENUES; AUTHORIZING THE EXECUTION BY THE CITY OF AN AMENDED AND RESTATED PLEDGE AND LOAN AGREEMENT AND ANY OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING AND APPROVING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; REPEALING RESOLUTIONS IN CONFLICT; PROVIDING AN EFFECTIVE DATE; AND RELATED MATTERS (*RESCHEDULED FROM APRIL 8, 2008*)

The City Council previously held a public hearing to receive input from the public regarding a proposed pledge of certain of the City's sales and use tax revenues, and proposed Resolution No.08-107, which would authorize and approve a pledge of its sales tax revenues; authorize the execution by the City of an Amended and Restated Pledge and Loan Agreement and any other documents required in connection therewith; authorize and approve the taking of all other actions necessary to the consummation of the transactions contemplated by this Resolution; provide a severability clause; repeal Resolutions in conflict; provide an effective date; and related matters.

After further discussion, Councilmember Coleman moved to approve Resolution No. 08-107, a Resolution Authorizing and Approving a Pledge of its Sales Tax Revenues; Authorizing the Execution by the City of an Amended and Restated Pledge and Loan Agreement and any Other Documents Required in Connection Therewith; Authorizing and Approving the Taking of all Other Actions Necessary to the Consummation of the Transactions Contemplated by this Resolution; Providing a Severability Clause; Repealing Resolutions in Conflict; Providing an Effective Date; and Related Matters. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	No
Mr. Winder	No
Mr. Rushton	No
Mayor Nordfelt	Yes

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Majority.

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ORDINANCE NO. 08-21, AMEND SECTION 22-1-105 OF TITLE 22 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING TRAFFIC ENFORCEMENT ON PRIVATELY-OWNED ROADS

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-21 which would amend Section 22-1-105 of Title 22 of the West Valley City Municipal Code regarding traffic enforcement on privately-owned roads.

Mr. Pyle stated the ordinance currently allowed for enforcement of provisions of Title 22 on privately-owned roads in the Lake Park Corporate Center. He further stated the amendment would also allow enforcement of those provisions in the Valley Fair Mall – Costco shopping complex, defined as the parking lot from 3500 South to 3800 South and from Constitution Boulevard (2700 West) to I-215 on the eastern edge.

The City Manager reported the Police Department had been approached by management of the Valley Fair Mall regarding traffic problems in their parking lot affecting the safety of patrons. He further reported Mall management stated this had affected their ability to operate the businesses and could only effectively be resolved by giving law enforcement the ability to issue citations to offending parties. He stated, at the request of the Mall management, other businesses adjoining their property had also been approached and all business in the outlined area had given their written support for amending the City ordinance to allow enforcement of the City traffic ordinances on those private properties.

After discussion, Councilmember Burt moved to approve Ordinance No. 08-21, an Ordinance Amending Section 22-1-105 of Title 22 of the West Valley Municipal Code Regarding Traffic Enforcement on Privately-Owned Roads. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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RESOLUTION NO. 08-125, APPROVE PURCHASE OF UPGRADED SOFTWARE FROM ACS GOVERNMENT SYSTEMS FOR THE CURRENT REPORTING SYSTEM USED BY THE FIRE DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-125 which would approve purchase of upgraded software from ACS Government Systems for the current reporting system, in an amount not to exceed \$30,164.00, for use by the Fire Department.

Mr. Pyle stated the proposed purchase of the upgraded software would allow the Department more functionality than currently available. He indicated the upgrade would assure each station and unit had the ability for inputting of all required reports. He also stated, with the new Federal standards for EMS reporting, the subject system would assure compliance with those standards.

The City Manager reported the Fire Department had utilized the Firehouse Software for about 10 years. He stated that system provided the Department with the ability not only to input reports but gain valuable reports and statistics on fire operations. He reported the new version, being web based, would allow completion of reports in the field by the units. He indicated this would cut down the time of inputting reports at the station. He also stated the order would also include the company setting up the initial system and some on-site training.

After discussion, Councilmember Coleman moved to approve Resolution No. 08-125, a Resolution Authorizing the City to Purchase Upgraded Software from ACS Government Systems for the Current Reporting System used by the Fire Department. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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MINUTES OF COUNCIL REGULAR MEETING – APRIL 22, 2008

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RESOLUTION NO. 08-126, APPROVE CONTRACT WITH KILGORE PAVING AND MAINTENANCE FOR THE 2008 PULVERIZATION AND PAVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-126 which would approve a contract with Kilgore Paving and Maintenance in the amount of \$672,154.00 for the 2008 pulverization and pavement project.

Mr. Pyle stated bids had been solicited and five bids had been received. He also stated the work included pulverization, stabilization and placement of asphalt pavement on seven City subdivision streets, together with placement of asphalt overlays on the following five subdivision streets: 4290 South – 4800 West to 4625 West, Toulouse Street – 3760 West to 4550 South, 4140 West – 3100 South to 3270 South, 3145 South – 4760 West to 4610 West, 4760 West – 3100 South to 3200 South, Lemar Way – 5100 West to 4975 West, Richfield Avenue – 4800 West to 4580 West, Manhattan Drive – 4400 West to 3935 South, Hawkeye Drive – 4100 South to 3887 South, Atlas Way – 3935 South to 3650 South, Sharal Park Drive – 6400 West to 6600 West, and Cilma Drive – 6000 West to 5780 West.

After discussion, Councilmember Rushton moved to approve Resolution No. 08-126, a Resolution Awarding a Contract to Kilgore Paving and Maintenance and Authorizing the Execution of a Contract for the 2008 Pulverization and Pavement Project. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, APRIL 22, 2008, WAS ADJOURNED AT 10:29 P.M., BY MAYOR NORDFELT.

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I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, April 22, 2008.

Sheri McKendrick, MMC
City Recorder

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